

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER FITZGERALD,

Plaintiff,

v.

COUNTY OF LEHIGH, JAMES B.  
MARTIN, in his official capacity as the  
District Attorney of Lehigh County, and in  
his individual capacity, STEVEN LUKSA,  
in his official capacity as the First  
Assistant District Attorney, TODD FREY,  
in his official capacity as a County  
Detective, and in his individual capacity,  
and CHRISTOPHER CRUZ, in his official  
capacity as a County Detective, and in his  
individual capacity,

Defendants.

CIVIL ACTION NO. 16-3377

**ORDER**

**AND NOW**, this 20th day of March, 2019, after considering the defendants' motions for summary judgment (the "motions") (Doc. Nos. 73, 88, 89); and the plaintiff's omnibus response in opposition (Doc. No. 93); and the defendants' replies thereto (Doc. Nos. 98, 99); and after oral argument on September 19, 2018 (Doc. No. 100); and for the reasons set forth in the separately-filed memorandum opinion, it is hereby **ORDERED** that the motions (Doc. Nos. 88, 89) are **GRANTED IN PART**, as follows:

1. The motion for summary judgment filed by the defendant, County of Lehigh (Doc. No. 88), is **GRANTED** as to only the plaintiff's cause of action under *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978) in count I of the third amended complaint, and judgment is **ENTERED** in favor of Lehigh County and against the plaintiff on count I of the third amended complaint; and

2. The motion filed by the defendants, James B. Martin, Steven Luksa, Todd Frey, and Christopher Cruz (Doc. No. 89), is **GRANTED** as to only the plaintiff's false arrest and false imprisonment claims under section 1983 against Todd Frey and Christopher Cruz in count II of the third amended complaint, and judgment is **ENTERED** in favor of Todd Frey and Christopher Cruz and against the plaintiff on count II of the third amended complaint.

**AND NOW FURTHER**, the court having granted summary judgment in favor of the defendants as to all of the plaintiff's federal claims; and the court having declined to exercise supplemental jurisdiction over the plaintiff's state law claims; accordingly, it is hereby **ORDERED** as follows:

1. The plaintiff's state law claims against the defendants in (mislabeled) counts VII, VIII, and IX of the third amended complaint are **DISMISSED WITHOUT PREJUDICE**;

2. The motions for summary judgment (Doc. Nos. 73, 88, 89) are **DENIED WITHOUT PREJUDICE** to the extent that the defendants sought summary judgment in their favor as to the plaintiff's state law claims; and

3. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.